

# TOWN OF DAVIE

## TOWN COUNCIL AGENDA REPORT

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark A. Kutney, AICP, Development Services Director / (954) 797-1101  
Prepared by: Bradley Swing, AICP, Planner II

**SUBJECT:** Plat, P 7-2-03 Spear and Varat Plat, 8550 Stirling Road/Generally located at the southeast corner of Pine Island Road and Stirling Road.

**AFFECTED DISTRICT:** District 2

**TITLE OF AGENDA ITEM:** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BOUNDARY PLAT KNOWN AS SPEAR AND VARAT PLAT AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE.

**REPORT IN BRIEF:** The applicant requests approval of the resolution for the proposed plat to be known as the Spear and Varat Plat. The subject site consists of 13.42 gross acres (11.28 net acres) for the proposed development of 13 single family homes. Residential density standards in the Town's Comprehensive Plan permit up to one (1) dwelling unit per gross acre in the Residential 1 DU/AC land use category. The plat provides for two (2) access opening. A non-vehicular access line (NVAL) is provided along the west and north limit of the plat except for a 50 foot access opening on Stirling Road limited to right turns only at the northeast corner of the plat and an 80 foot access opening on Pine Island Road with a centerline located approximately 760 feet south of the centerline of Stirling Road, aligned with the existing median opening. A 10 foot utility easement is provided along the entire perimeter of the plat.

Staff finds that the proposed plat is consistent with the Comprehensive Plan and Land Development Code as it relates to location, and size.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** At the May 12, 2004 Planning and Zoning Board meeting, Mr. Stevens made a motion, seconded by Vice-Chair Turin, to approve. Motion carried 5-0.

**FISCAL IMPACT:** N/A

**RECOMMENDATION(S):** Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration. In addition, the following conditions shall be met:

1. Sufficient capacity of the regional road network, as determined by Broward County. In the event that sufficient capacity is not met, the plat shall be deemed denied by the Town of Davie.

2. Provide the Planning and Zoning Division a Mylar copy of the plat upon recordation.

**Attachment(s):** Resolution, Planning Report, Plat, Future Land Use Plan Map, Zoning and Aerial Map

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BOUNDARY PLAT KNOWN AS SPEAR AND VARAT PLAT AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the proposed plat to be known as Spear and Varat Plat was considered by the Town of Davie Planning and Zoning Board on May 12, 2004;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The plat known as Spear and Varat Plat is hereby approved subject to the conditions stated on the planning report which is attached hereto as Exhibit "A" and made a part hereof.

SECTION 2. The Mayor is authorized to sign said plat on behalf of the Town and the Town Clerk is directed to affix the Town seal to said plat.

SECTION 3. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2004.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

Attest:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2004.

---

**TOWN OF DAVIE**  
**Development Services Department**  
**Planning & Zoning Division**  
*Staff Report and Recommendation*

---

**Applicant Information**

**Owner:**

**Name:** Rachael J. Spear and  
Cynthia L. Varat  
**Address:** 10026 SW 93 Place  
**City:** Miami, FL 33176  
**Phone:** (305) 595-0811

**Agent/ Council:**

**Name:** Keith and Schnars, P.A.  
Attn: James Kahn, AICP  
**Address:** 6500 North Andrews Avenue  
**City:** Fort Lauderdale, FL 33309  
**Phone:** (954) 776-1616

---

**Background Information**

**Application History:** No deferrals have been requested.

**Planning and Zoning Board Recommendation:** At the May 12, 2004 Planning and Zoning Board meeting, Mr. Stevens made a motion, seconded by Vice-Chair Turin, to approve. Motion carried 5-0.

**Application Request:** Approval of the Spear and Varat plat.

**Affected District:** District 2

**Address/Location:** 8550 Stirling Road/Generally located at the southeast corner of Pine Island Road and Stirling Road.

**Future Land Use Plan Designation:** Residential (1 DU/AC)

**Existing Use:** Vacant

**Existing Zoning:** Agricultural District (A-1)

**Proposed Use:** 13 single family homes.

**Parcel Size:** 13.42 gross acres (11.28 net acres)

**Surrounding Existing Use:**

**North:** David Posnack Jewish Community Center  
**South:** Vacant  
**East:** Calvary Chapel Church  
**West:** Vacant

**Surrounding Future Land Use  
Plan Map Designation:**

Community Facility, CF  
Residential (1 DU/AC)  
Residential (1 DU/AC)  
Residential (1 DU/AC)

**Surrounding Zoning:**

**North:** CF, Community Facilities; B-1, Commercial, City of Cooper City

**South:** A-1, Agricultural

**East:** CF, Community Facilities

**West:** A-1, Agricultural, unincorporated Broward County

---

## **Zoning History**

**Related History:** There have been no requests on the subject site.

**Previous Requests on same property:** The property owners initiated Land Use Plan Amendment, LA 02-6, to change the land use of the subject site from Residential 1 DU/AC to Commercial. The application was approved for transmittal to the Department of Community Affairs by Town Council on September 18, 2002. The application was withdrawn by the property owners on July 3, 2003.

---

## **Applicable Codes and Ordinances**

Article XII of the Land Development Code, Subdivisions and Site Plans.

§12-360(B) of the Land Development Code, Platting requirements. (1) The town may not grant an application for a building permit for the construction of a principal building on a parcel of land unless a plat including the parcel or parcels of land has been approved by the Broward County Commission and recorded in the official records of Broward County subsequent to June 4, 1953.

§12-366.1(A) thru (C) of the Land Development Code, Submission requirements for plats.

---

## **Comprehensive Plan Considerations**

**Planning Area:** The subject property falls within Planning Area 10. This Planning Area is generally located north of Stirling Road, south of Griffin Road, east of Pine Island Road, and west of SW 76 Avenue. Pine Island Road, a major north/south arterial, on the western limits of this planning area provides through access from Griffin Road to Stirling Road. Commercial development of retail centers and office buildings line the University Drive corridor. The east side of this corridor is predominantly small-scale commercial development, with multi-family residential development (one existing, one proposed) and plant nurseries on the northern half of the corridor, and commerce park development and cattle grazing on commerce park-zoned lands on the southern half. Commercial development also exists along Griffin Road within this planning area. Several small-scale single-family residential communities, two trailer parks totaling approximately 30 acres in area, and an 8 acre industrial park are located within this planning area, together with six parcels zoned for community facilities uses. These

include, but are not limited to, a regional library, multiple church uses varying scales, a Girl Scout campground facility, and a private school.

**Broward County Land Use Plan:** The Broward County Land Use Plan has identified this parcel of land as Estate (1) Residential.

**Applicable Goals, Objectives & Policies:** *Future Land Use Element, Objective 5: Consistency of Development with Comprehensive Plan, Policy 5-2:* The (re)zoning, (re)platting, and site planning of land shall be in compliance with the density ranges shown on the Davie Future Land Use Plan map and the applicable Future Land Use Designation provisions as contained in the Permitted Use portion of the Implementation Section.

*Future Land Use Element, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-1:* Lands designated for non-residential use shall be located in a manner which facilitates development, but does not adversely impact existing and designated residential areas.

*Capital Improvement Element, Policy 2-2:* No plat or site plan shall be approved which will result in the regional transportation network operating below the adopted level of service as established in the Traffic Circulation Element.

*Capital Improvement Element, Policy 2-3:* No plat or site plan shall be approved without the reservation of adequate wastewater treatment capacity based on the projected need of the proposed development (projected average daily generation, in gallons), or which does not provide an adequate wastewater collection system.

*Capital Improvement Element, Policy 2-4:* No plat or site plan shall be approved without the reservation of potable water treatment capacity based on the projected need of the proposed development (projected average daily consumption, in gallons), or which does not provide an adequate distribution system.

*Capital Improvement Element, Policy 2-5:* No plat or site plan shall be approved which does not provide for the dedication of land for municipal recreation and open space purposes pursuant to the adopted level of service contained in the Parks, Recreation and Open Space element. The Town shall reserve the right to determine if the dedication of land is consistent with Comprehensive Plan goals, objectives and policies, or if payment into the Recreational Trust Fund is more appropriate.

*Capital Improvement Element, Policy 2-6:* No plat or site plan shall be approved which does not provide a storm water management system appropriate for the proposed development, in accord with the criteria of the appropriate drainage district(s) and the Town.

*Capital Improvement Element, Policy 2-7:* No plat or site plan shall be approved which does not provide the capacity to store and collect solid waste generated by the proposed development for recycling and/or disposal.

---

## **Significant Development Review Agency Comments**

All agency comments have been satisfied.

---

## **Application Details and Staff Analysis**

The applicant's submission indicates the following:

1. *Site:* The site area consists of approximately 13.42 gross acres (11.28 net acres).
2. *Restrictive Note:* The proposed plat is restricted to 13 residential units.
3. *Access:* The plat provides for two (2) access opening. A non-vehicular access line (NVAL) is provided along the west and north limit of the plat except for a 50 foot access opening on Stirling Road limited to right turns only at the northeast corner of the plat and an 80 foot access opening on Pine Island Road with a centerline located approximately 760 feet south of the centerline of Stirling Road, aligned with the existing median opening.
4. *Easements:* A 10 foot utility easement is provided along the entire perimeter of the plat.
5. *Right-of-Way Dedication:* Parcel "B" (3,547 square feet, 0.0814 acres) is dedicated solely for public roadway purposes.

The applicant has requested to proceed with review by the Town in order to allow for submittal to Broward County for final resolution of the plat.

---

## **Staff Analysis/Findings of Fact**

The proposed plat is consistent with the Comprehensive Plan and Land Development Code as it relates to access, use, location and size.

---

## **Staff Recommendation**

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration. In addition, the following conditions must be met prior to final approval:

1. Approval shall be subject to sufficient capacity of the regional road network as determined by Broward County. In the event sufficient capacity is not met, the plat shall be deemed denied by the Town of Davie.

2. A mylar copy of the plat shall be provided to the Planning and Zoning Division upon recordation.

---

### **Planning and Zoning Board Recommendation**

At the May 12, 2004 Planning and Zoning Board meeting, Mr. Stevens made a motion, seconded by Vice-Chair Turin, to approve. Motion carried 5-0.

---

### **Town Council Action**

---

### **Exhibits**

1. Plat
2. Future Land Use Map
3. Subject Site, Zoning and Aerial Map

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_





